

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LABORERS' PENSION FUND and )  
LABORERS' WELFARE FUND OF THE )  
HEALTH AND WELFARE DEPARTMENT )  
OF THE CONSTRUCTION AND GENERAL )  
LABORERS' DISTRICT COUNCIL OF )  
CHICAGO AND VICINITY, and JAMES S. ) Case No. 14-cv-02607  
JORGENSEN, Administrator of the Funds, )  
Plaintiffs, )  
v. )  
RAM CONTRACTING, LLC, )  
Defendant. )  
Judge Shadur

**PLAINTIFFS' MOTION FOR DEFAULT  
AND DAMAGES**

Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity ("Funds"), and James S. Jorgensen, by their attorneys, state:

1. On April 11, 2014, Plaintiffs filed a complaint under Section 301(a), Labor Management Relations Act, 29 U.S.C. §185(a), as amended, and Section 502(a)(3) of the Employee Retirement Income Security Act, 29 U.S.C. §1132(a)(3), as amended, alleging that the Company failed to report and pay contributions as reflected by an audit report for the period from January 7, 2013 through June 30, 2013.

2. On May 4, 2014, Plaintiffs process server, Phillip M. Ducar, handed summons and complaint to Linda Darby at the residence of Paul Darby, the registered agent for Ram Contracting, LLC ("Defendant"), at the location of 5536 N. Lakewood, Chicago, Illinois 60640. A copy of the

notice identifying service of summons is attached as Exhibit 1:

3. More than twenty days have passed since service of the summons and complaint.

A copy of this motion will be sent Paul Darby, the registered agent for the Defendant at the location of 5536 N. Lakewood, Chicago, IL 60640. An additional copy will also be sent to Robbie Ryan, the primary shareholder for the Defendant, at 2411 O Street, Suite 200, Omaha, NE 68107.

4. As provided by the Funds' Field Representative, Rocco Marcello, and as shown by an audit report prepared by Bainsley and Kiener, LLP covering the period from January 7, 2013 through June 30, 2013, principal contributions are owed to the Welfare, Pension, Training, CAICA, LECET, LMCC Funds and to the Union for dues in the amount of \$52,620.07. Mr. Marcello's affidavit is attached hereto as Exhibit 2, together with a copy of the audit report.

5. Liquidated damages and interest are due as established by paragraphs 4 and 5 of Mr. Marcello's affidavit. Liquidated damages are owed in the amount of \$9,916.72 with respect to the Pension, Welfare and Training contributions set forth in the Bainsley and Kiener, LLP audit report. Liquidated damages of ten percent are owed with respect to the LDCMC, ISPA, LECET Funds and Union dues in the amount \$329.20. Interest is also owed at the rate of twelve percent on delinquent amounts owed from the date of the delinquency through July 22, 2014. In this matter, interest has been calculated by Mr. Marcello in the amount of \$8,924.77. (Affidavit of Rocco Marcello Exhibit 2).

6. This Company owes audit fees in the amount of \$744.50.

7. Reasonable attorneys' fees and costs are established by the affidavit of Ryan Matthew Thoma, Plaintiffs' counsel, in the amount of \$2,563.00 in attorney's fees and \$450.00 in costs. The affidavit of Mr. Thoma is attached as Exhibit 3.

8. The Defendant has posted payments totaling \$5,000 on file with the Laborers' Funds in lieu of a surety bond. This amount has been applied as a credit to the total owed by Ram Contracting, LLC.

Wherefore, Plaintiffs drafted a proposed judgment order for a total judgment against in the amount of \$70,803.76

Respectfully submitted,

/s/ Ryan M. Thoma

One of plaintiffs' attorneys

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July 23, 2014